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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CARLOS APONTE

CIVIL ACTION

v.

WARDEN GUARINI

NO. 09-CV-3275

ORDER

LEGROME D. DAVIS, J.,

FILED
NOV 17 2009
MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

AND NOW, this

16th day of November

, 2009,

upon careful and independent consideration of the petition for writ of habeas corpus, and
after review of the Report and Recommendation of United States Magistrate Judge
Elizabeth T. Hey, IT IS ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED;
2. The petition for a writ of habeas corpus is DISMISSED without prejudice;
3. There is no basis for the issuance of a certificate of appealability.

BY THE COURT:



LEGROME D. DAVIS, J.